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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,952	02/19/2004	Gady Shlasky	03500/100H851-US1	4791
7278	7590	10/28/2004	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			ELISCA, PIERRE E	
			ART UNIT	PAPER NUMBER

3621

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,952

Applicant(s)

SHLASKY, GADY

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to application no. 10/783,952, filed on 02/19/2004.
2. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Christiano (U.S. pat. No. 5,671,412) in view of Misra et al. (U.S. pat. No. 6,189,146).

As per claims 1-6 and 9-20 Christiano discloses a software license server management that initializes a license database by receiving a package license description that includes component license descriptions for component software products in a package (which is readable as Applicant's claimed invention wherein said a system for digital license generation and distribution), comprising the elements of: a license pattern generator for creating at least on license pattern (see., Figs 1 and 2A, abstract, col 2, lines 23-49, col 3, lines 20-54, specifically wherein it is stated that licenses for software products are received, and license records are created in the license database for components and suite packages, where each record includes a

number of licenses available to be checked out or distributed (distributed or generated).

The license management system also provides a number of modifiers to be included in license record, please note that the license records, such as components and suite package are interpreted as license patterns);

generate an at least one digital license from the at least one license pattern (see., abstract, col 3, lines, 21-54, col 4, lines 12-57, figs 1 and 2A, specifically wherein it is stated that the license servers provides (provides or generates) licenses from the license database to client computer systems to allow the client computer systems to use licensed software products);

at least one modified digital product comprising the at least one digital product integrated with the at least one license (see., Figs 1 and 2A, abstract, col 2, lines 23-49, col 3, lines 20-54, specifically wherein it is stated that licenses for software products are received, and license records are created in the license database for components and suite packages, where each record includes a number of licenses available to be checked out or distributed. The license management system also provides a number of modifiers to be included in license record, and col 5, lines 9-14);

a digital license distribution server for receiving the at least one digital license and the at least one modified digital product, for generating an at least one unique digital product copy license based on the at least one digital license and for sending the at least one unique digital product copy license in response to a customer request to a customer for installation (installation or check out, run or be assigned or copy) see., abstract, col 6, lines 32-59, specifically wherein it is stated that the license server 16 serves as a license manager (or license distribution server). The license server receives the license

request and determines if the requesting client or customer computer system is allowed check out or be assigned a license for the program, i.e., allowed to run or use the program or copy, also fig 1, col 6, lines 19-59, and see., col 5, lines 3-14 for license modifiers that allow the licensor to provide a variety of options and flexibility to clients).

It is to be noted that Christiano fails to explicitly disclose a digital license generator and a license handler module or license server request handler. However, Misra discloses a software licensing system that includes a license generator 26, located at a licensing clearinghouse and a license server 28 that has a request handler (request handler or license server request handler or handler module). The request handler receives requests for software licenses from clients and passes the requests to the client authenticating module (see., fig 3, col 10, lines 30-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the license management system of Christiano by including a digital license generator and a license handler module or request handler server as taught by Misra because such modification would prevent users from multiplying the number of licenses they purchase by installing the same license multiple times.

As per claim 7, Christiano discloses the claimed limitations as stated in claim 6 above, wherein the digital licensing application comprises the elements of:

a product for handling digital licenses and modified digital products (see., Figs 1 and 2A, abstract, col 2, lines 23-49, col 3, lines 20-54, specifically wherein it is stated that licenses for software products are received, and license records are created in the license database for components and suite packages, where each record includes a

number of licenses available to be checked out or distributed. The license management system also provides a number of modifiers to be included in license record);

an end user handler for collecting end user-specific information, computing platform-specific information, and the identification of the digital product installed on the computing platform (see., col 19, lines 17-39, please note that the license server of Christiano discloses a resource capacity that can be calculated by the license server based on information provided by the client such as type of hardware platform, this process is for collecting end user-specific information, and the limitation identification of the digital product installed on the computing platform is disclosed in col 10, lines 25-52, specifically wherein it is stated that a license request is a message sent by a client which includes identifying information about a designated product for which a license is being requested, such as an identification of the product and the version number of the product, please note that the version number is readable as specific parameter);

an end-user license generator for creating an at least one unique digital product specific license for the requesting end-user (see., Figs 1 and 2A, abstract, col 2, lines 23-49, col 3, lines 20-54, specifically wherein it is stated that licenses for software products are received, and license records are created in the license database for components and suite packages, where each record includes a number of licenses available to be checked out or distributed (or generated). The license management system also provides a number of modifiers to be included in license record, please note that the license management system also includes a number of modifiers).

It is to be noted that Christiano fails to explicitly disclose a user handler or dealer handler or license server request handler. However, Misra discloses a software

licensing system that includes a license generator 26, located at a licensing clearinghouse and a license server 28 that has a request handler (request handler or license server request handler or handler module). The request handler receives requests for software licenses from clients and passes the requests to the client authenticating module (see., fig 3, col 10, lines 30-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the license management system of Christiano by including a user handler or request handler server as taught by Misra because such modification would prevent users from multiplying the number of licenses they purchase by installing the same license multiple times.

As per claims 8, Christiano discloses the claimed method of a software license server management that initializes a license database by receiving a package license description that includes component license descriptions for component software products in a package (which is readable as Applicant's claimed invention wherein it is stated that a method for digital license generation and distribution), comprising the elements of:

generating an at least one digital product-specific license pattern; creating an at least one license handler module (license handler module or license management system 10) based on at least one digital product (see., Figs 1 and 2A, abstract, col 2, lines 23-49, col 3, lines 20-54, specifically wherein it is stated that licenses for software products are received, and license records are created in the license database for components and suite packages, where each record includes a number of licenses available to be

checked out or distributed. The license management system also provides a number of modifiers to be included in license record, please note that since the license management system also includes a number of modifiers, and therefore is readable as a license handler module);

modifying an at least one digital product by integrating an at least one license product (see., Figs 1 and 2A, abstract, col 2, lines 23-49, col 3, lines 20-54, specifically wherein said licenses for software products are received, and license records are created in the license database for components and suite packages, where each record includes a number of licenses available to be checked out or distributed. The license management system also provides a number of modifiers to be included in license record, please note that since the license management system also includes a number of modifiers, and therefore is readable as a license handler module that modifies digital product);

conveying an at least one digital product to a customer independently of a license (see., abstract, col 3, lines, 21-54, col 4, lines 12-57, figs 1 and 2A, specifically wherein it is stated that the license servers provides licenses from the license database to client computer systems to allow the client computer systems to use licensed software products, please note that the component product is independent of a license);

generating an at least one unique product copy license in response to a request for the unique digital product copy license from a customer (see., abstract, col 6, lines 32-59, specifically wherein it is stated that the license server 16 serves as a license manager (or license distribution server). The license server receives the license request and determines if the requesting client or customer computer system is allowed check out or be assigned a license for the program, i.e., allowed to run or use the program or copy,

also fig 1, col 6, lines 19-59, and see., col 5, lines 3-14 for license modifiers that allow the licensor to provide a variety of options and flexibility to clients). Christiano discloses the step of disabling specific operational to customer (see., col 6, lines 60-67, col 7, lines 1-29, specifically wherein it is stated that a node-locked policy allows only one computer system at a specific node on the license management system to use a designated software product, please note that the node-locked policy also includes disabling a node, and the step of conveying to a customer allows for the limited operation see., col 7, lines 20-29, specifically wherein it is stated a predetermined amount of time during which the software can be used on a computer are allowed). Christiano further discloses a product unique identification code (see., col 10, lines 25-52, please note that code is interpreted as an encryption code, the license table., see., figs 1 and 2A, please note that the version number is readable as specific parameter, and the e-coupon is interpreted as a software product, it is inherent to realize that must software product have advertisements or incentives or coupons embedded into it).

It is to be noted that Christiano fails to explicitly disclose a license handler module or license server request handler. However, Misra discloses a software licensing system that includes a license generator 26, located at a licensing clearinghouse and a license server 28 that has a request handler (request handler or license server request handler or handler module). The request handler receives requests for software licenses from clients and passes the requests to the client authenticating module (see., fig 3, col 10, lines 30-37). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the license management system of Christiano by including a license handler module or request handler server as taught by

Misra because such modification would prevent users from multiplying the number of licenses they purchase by installing the same license multiple times.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary Patent Examiner

October 21, 2004